

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.9 of 2006

Balasaheb Rambhau Zagade

Petitioner

Vs.

State of Maharashtra & ors.

Respondents

Mr.D.V.Sutar with Mr.M.B.Gawade for petitioner.

Ms.Kranti Hiwarale for Resp.no.2.

Mr.R.M.Patne, AGP for Resp.Nos.1 & 3.

Mr.A.M.Joshi for Resp.no.4.

CORAM: B.H.MARLAPALLE,J.

August 16, 2006.

P.C.

. Heard. The appeal filed by the respondent no.4 under Section 9 of the MESP Act, 1977 and registered as Appeal No.68 of 2002 has been partly allowed by the School Tribunal by the judgment and order dated 30/11/2005 and thereby the present petitioner is aggrieved inasmuch as his promotion to the post of Head Master w.e.f. 14/3/2002 has been set aside. There is no dispute that the petitioner possesses the qualification of M.A.,B.Ed. (Physical) and the learned counsel for the petitioner relied upon the G.R. dated 17th May 1978 issued by the Government of Maharashtra, in support of his contention that B.Ed.(Physical Education) is on par with the B.Ed. course in all respects. Undoubtedly after the MEPS Act, 1977 was brought into force, the

MEPS Rules, 1981 have been framed and the qualifications for Asst. Teachers to be appointed in the Secondary School have been prescribed in Schedule "F" in the said Rules. B.Ed. (Physical Education) is not a recognised qualification for appointment as Asst. Teacher in a secondary school and, therefore, the view taken by the Tribunal in setting aside the petitioner's promotion to the post of Head Master and holding that the present respondent no.4 was entitled for the said post does not call for any interference in this petition under Article 227 of the Constitution.

. The petition is rejected summarily.

(B.H.MARLAPALLE,J.)